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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/552,769	10/12/2005	Gerrit Hollemann	NL 030392	2211
24737	7590	03/17/2011		
PHILIPS INTELLECTUAL PROPERTY & STANDARDS			EXAMINER	
P.O. BOX 3001			MONIKANG, GEORGE C	
BRIARCLIFF MANOR, NY 10510			ART UNIT	PAPER NUMBER
			2614	
			NOTIFICATION DATE	DELIVERY MODE
			03/17/2011	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

vera.kublanov@philips.com  
debbie.henn@philips.com  
marianne.fox@philips.com

<b>Supplemental Notice of Allowability</b>	<b>Application No.</b> 10/552,769	<b>Applicant(s)</b> HOLLEMANNS ET AL.
	<b>Examiner</b> GEORGE MONIKANG	<b>Art Unit</b> 2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to \_\_\_\_\_.

2.  The allowed claim(s) is/are \_\_\_\_\_.

3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All b)  Some\* c)  None of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftperson's Patent Drawing Review ( PTO-948) attached 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.

(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**

6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)

5.  Notice of Informal Patent Application

2.  Notice of Draftperson's Patent Drawing Review (PTO-948)

6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.

3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 11/23/2010

7.  Examiner's Amendment/Comment

4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

8.  Examiner's Statement of Reasons for Allowance

9.  Other \_\_\_\_\_.

/VIVIAN CHIN/  
Supervisory Patent Examiner, Art Unit 2614

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 11/23/2010 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement has been considered by the examiner.

### ***Allowable Subject Matter***

1. Claims 1-3, 5, 9-10, 12-14, 17-23, 25-35 are allowed.
2. The following are examiner's statement of reasons for allowable subject matter:

Referring to claim 1, the Vossler (US Patent 7206429 B1) discloses a personal audio system comprising: a remotely controllable device, a first controller for remotely controlling the device by sending a first control signal to the device, a second controller for remotely controlling the device by sending a second control signal to the device. The Vossler reference taken alone or in combination with another, does not disclose, teach or fairly suggest wherein: each of the first controller and the second controller includes an outer surface with a touch-sensitive area, and is configured to: be substantially worn in or by a human ear, detect a touching of the touch-sensitive area, and send the corresponding control signal to control one or more functions of the personal audio system based on the touching; at least one of the one or more functions being controlled by the first controller differs from one or more functions being controlled by the second controller; and wherein the outer surface of at least one of the controllers includes a second touch sensitive area, such that the second touch-sensitive area is

touched substantially by the ear when the controller is substantially worn in or by a human ear, the controller being arranged to send the corresponding control signal only if the second touch-sensitive area is touched as recited in claim 1.

Claims 9, 17, 20 & 25 have been allowed for the same reason as claim 1.

Claims 2-3, 5, 10, 12-14 depend on claim 1. Claims 18-19 depend on claim 17.

Claims 21-23 depend on claim 20. Claims 26-35 depend on claim 25.

**Contact**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GEORGE MONIKANG whose telephone number is (571)270-1190. The examiner can normally be reached on 9:00-5:00 EST Monday-Friday, Alt Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivian C. Chin can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/GEORGE MONIKANG/  
Examiner, Art Unit 2614

2/28/11

/VIVIAN CHIN/  
Supervisory Patent Examiner, Art Unit 2614